

**LAW OFFICE OF AMY JANE AGNEW, P.C.**

Hon. Jesse M. Furman, U.S.D.J.  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

December 26, 2020

**VIA First Class Mail**

RE: *Terry v. Parole Board Chairman Tina Stamford, et al., 20-cv-3847 (JMF)(SN)*

Dear Judge Furman:

This office recently filed a notice of appearance as *pro bono* counsel for Plaintiff, DuWayne Terry, in the above-referenced case. ([Dkt. No. 36.](#)) Given the posture of the case and Mr. Terry's *pro se* status to date, I believe an amendment to the Complaint will be necessary to focus the claims and efficiently move the case forward. Plaintiff writes with consent of opposing counsel to request leave to amend as well as a brief extension of time to gain some relevant materials from DOCCS.

Last week, I spoke with opposing counsel, AAG Neil Shevlin, regarding consent to amend as well as a fairly limited disclosure of Mr. Terry's counseling file so that an amendment would be as productive as possible. Mr. Shevlin consented to the amendment and agreed to attempt to gain a copy of Mr. Terry's counseling file from DOCCS and to review it for possible disclosure. In my experience, Mr. Terry's counseling file should contain notes on his counselor's attempts to have his proposed post-release residences vetting by Parole, as well as Parole's responses. Obviously, these are not only highly relevant but potentially determinative documents for the issues in this case. I cannot imagine Mr. Shevlin's review of the counseling file will result in anything less than full disclosure.

To facilitate that process and streamline counsels' efforts, the parties respectfully request a brief stay of sixty (60) days to gain a copy of Mr. Terry's DOCCS' counseling file and to draft and file a Second Amended Complaint. Plaintiff proposes filing his amended pleading by March

1, 2021. It is highly likely as part of that process, the parties will also file a stipulation of voluntary dismiss for some of the claims, forms of relief and defendants.

The brief stay should not cause prejudice to either party as Mr. Terry has been released from custody and is home with his family.

Very truly yours,

*/s/ AJ Agnew*


Amy Jane Agnew, Esq.

The Court thanks Ms. Agnew for her willingness to take this case on pro bono.

Application GRANTED. Plaintiff shall file an amended complaint by March 1, 2021. Unless and until the Court orders otherwise, Defendants shall answer the operative complaint, whichever it may be, no later than March 22, 2021.

The Clerk of Court is directed to terminate ECF No. 37.

SO ORDERED.



December 28, 2020

Cc: AAG Neil Shevlin, Esq. (VIA ECF)  
Mr. DuWayne Terry (VIA USPS)